

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

**REGARDING PROPOSED AMENDMENTS TO THE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, CALIFORNIA BUILDING CODE

SEISMIC UPDATES TO STRUCTURAL PROVISIONS**

Notice is hereby given that the California Building Standards Commission (CBSC) is proposing to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The CBSC is proposing the permanent adoption of emergency building standards updating structural provisions in the California Building Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, the CBSC will accept written comments regarding the proposed changes from April 2, 2004 until 5:00 PM on May 17, 2004.

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health & Safety Code Section 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Section 18934.5. The CBSC is proposing this regulatory action based on Sections 18928 & 18934.5.

INFORMATIVE DIGEST

Summary of Existing Laws

California Building Standards Law (Health and Safety Code Section 18900 – 18949.6) establishes the California Building Standards Commission to oversee the adoption and publications of building standards for state regulated occupancies in California. Further, existing law requires any state agency that proposes and/or adopts a building standard to submit the building standard to the Commission for approval and publication in the California Building Standards Code. Specifically pertaining to this regulatory action, Health and Safety Code Section 18934.5, authorizes the Commission to adopt building standards providing the minimum standards for the design and

construction of state-owned buildings, buildings constructed by the Regents of the University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University, where no other state agency has the authority.

Summary of Existing Regulations

Existing regulations pertaining to this regulatory action are contained in the 2001 California Building Code (California Code of Regulations, Title 24, Part 2), which is based upon the 1997 Uniform Building Code of the International Conference of Building Officials. The regulations being modified by this action are contained in Chapters 2, 16, 17, 19, 22, 22B and 23. Chapter 2 contains definitions, Chapter 16 contains the structural design requirements; Chapter 17 contains structural testing and inspection requirements; Chapter 19 contains the concrete standards; Chapters 22 and 22B contain the steel construction standards; and Chapter 23 contains the wood construction standards.

Summary of Effect

This regulatory action makes some of the more critically needed updates to California standards. These updates are currently accepted, nationally recognized standards and engineering principles, which have been determined to be lacking in the California Building Code.

Comparable Federal Statute or Regulations

FEMA: Federal Emergency Management Agency standards.

NEHRP – National Earthquake Hazard Reduction Program standards

Small Business Affect

This regulatory action may or may not have an affect on small businesses, as the standards contained in building codes offer designers and owners optional construction techniques and materials. Also the size and design of a building has a bearing upon the affect, which is controlled by the designer and owner.

This enactment of standards is no different than adoption of a new cycle of codes. These standards are not different from what most states enforce in the United States. This is an improvement in standards that will provide greater structural safety in active seismic regions. These will apply only to state-owned buildings, buildings constructed by the Regents of the University of California to the extent permitted by law, and buildings constructed by the Chancellors of the State University.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to this proposed action.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: Per Health and Safety Code Section 18928, the Commission is required to adopt the most recent edition of national model building codes. This adoption is in response to that legislative mandate.

The standards are intended to promote public safety and reduce structural damage caused by lateral forces, i.e., in an earthquake. The application of these building standards provides designers and owners with options when designing and constructing new buildings or remodeling existing buildings.

There is both a potential cost to complying with the updated structural standards and a savings due to reduction in structural damage to large and tall buildings, depending upon the options taken, in addition to saving lives. Estimates of the cost or savings of this regulatory action to any state agency cannot be determined because of the variables involved, such as size of the buildings, design options used, occupancy, and magnitude of the lateral forces. However, as stated above, the Commission is legislatively mandated to adopt the most recent edition of model building codes and the costs are not considered to be exorbitant.

- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The CBSC affirms that the rulemaking action complies with the mandates set forth by Health & Safety Code Sections 18928 & 18934.5.

Therefore, the CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

No affect

The creation of new businesses or the elimination of existing businesses within the State of California.

No affect

The expansion of businesses currently doing business with the State of California.

No affect

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Once the final statement of reasons has been prepared, interested parties may obtain a copy by making a written request to the contact person named below.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman or Tom Morrison (back-up person)
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Michael Nearman, Code Analyst
California Building Standards Commission
(916) 263-5888
Michael.Nearman@dgs.ca.gov
(916) 263-0959